

		X	
YASMINA EDWARDS,	:	:	Honorable Alvin K. Hellerstein
	:	:	
Plaintiff,	:	:	Civil Action No. 07-7340 (AKH)
	:	:	
- against -	:	:	
	:	:	ANSWER
AMERICAN EXPRESS COMPANY,	:	:	
	:	:	
Defendant.	:	:	
	:	:	
		X	

1. Denies each and every allegation contained in paragraph 1 of the Complaint, except admits that plaintiff purports to bring the instant action against it and to recover monetary damages, declaratory, injunctive, and other equitable and ancillary relief pursuant to the statutory provision recited therein.

3. Admits the allegations contained in paragraph 3 of the Complaint.

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5. Denies each and every allegation contained in paragraph 5 of the Complaint and affirmatively avers that venue is properly laid in this District as concerns American Express Travel Related Services Company, Inc.

6. Denies each and every allegation contained in paragraph 6 of the Complaint.

7. Denies each and every allegation contained in paragraph 7 of the Complaint.

8. Denies each and every allegation contained in paragraph 8 of the Complaint.

9. Denies each and every allegation contained in paragraph 9 of the Complaint.

10. Denies each and every allegation contained in paragraph 10 of the Complaint.

11. Denies each and every allegation contained in paragraph 11 of the Complaint.

12. Denies each and every allegation contained in paragraph 12 of the Complaint.

13. Denies each and every allegation contained in paragraph 13 of the Complaint.

14. Denies each and every allegation contained in paragraph 14 of the Complaint.

15. Denies each and every allegation contained in paragraph 15 of the Complaint.

16. Denies each and every allegation contained in paragraph 16 of the Complaint and affirmatively avers that plaintiff was paid, in full, for time worked during her employment with American Express Travel Related Services Company, Inc.

17. Repeats and realleges its responses to the allegations contained in paragraphs 1 through 16 of the Complaint.

18. Denies each and every allegation contained in paragraph 18 of the Complaint and respectfully refers the Court to the statutory provision cited therein for a full and complete recitation of the terms of same.

19. Denies each and every allegation contained in paragraph 19 of the Complaint and affirmatively avers that it was never plaintiff's employer within the meaning of the FLSA.

20. Denies each and every allegation contained in paragraph 20 of the Complaint and affirmatively avers that it was never plaintiff's employer within the meaning of the FLSA.

21. Denies each and every allegation contained in paragraph 21 of the Complaint and affirmatively avers that it was never plaintiff's employer within the meaning of the FLSA.

22. Denies that plaintiff is entitled to any of the relief she seeks in paragraphs A through E of the WHEREFORE Clause of the Complaint.

23. Admits that plaintiff demands a jury trial for all issues triable by jury.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

24. The Complaint fails to state a cause of action upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

25. American Express Company did not employ plaintiff at any time and is not plaintiff's "employer" within the meaning of the FLSA.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

26. Plaintiff's culpable conduct and/or failure to mitigate contributed to any damages allegedly incurred by her as a result of the alleged actions.

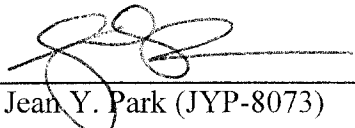
AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

27. Plaintiff was placed on performance counseling for legitimate, nonretaliatory reasons.

WHEREFORE, Defendant demands judgment dismissing the Complaint, in its entirety, and asks for its costs and disbursements in defending this action, including reasonable attorneys' fees, and such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 25, 2007

KELLEY DRYE & WARREN LLP

By: 
Jean Y. Park (JYP-8073)

101 Park Avenue
New York, New York 10178
(212) 808-7800
Attorneys for Defendant

SOUTHERN DISTRICT OF NEW YORK
CIVIL ACTION NUMBER: 07-7340 (AKH)

YASMINA EDWARDS,

Plaintiff,

-against-

AMERICAN EXPRESS COMPANY,

Defendant.

ANSWER

KELLEY DRYE & WARREN LLP

101 PARK AVENUE
NEW YORK, NY 10178

(212) 808-7800